

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAURICE VINSON-JACKSON,

Plaintiff,

Case No. 21-CV-10766

vs.

HON. GEORGE CARAM STEEH

DEWAYNE PERRY, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION  
(ECF NO. 60), GRANTING DEFENDANTS' MOTIONS FOR  
SUMMARY JUDGMENT (ECF NO. 24, 42, 50) AND DISMISSING  
PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE, AND DENYING  
PLAINTIFF'S MOTION TO DISMISS AS MOOT (ECF NO. 61)

This matter is before the Court on the Report and Recommendation (R&R) issued by the Magistrate Judge recommending that Defendants' motions for summary judgment be granted due to Plaintiff's failure to properly exhaust his administrative remedies (ECF No. 60). Also before the Court is Plaintiff's motion to dismiss his action without prejudice (ECF No. 61), which was filed in lieu of objections. In essence, Plaintiff does not object to the Magistrate Judge's findings or recommendations but asks that the dismissal of his complaint to be without prejudice.

With respect to R&Rs from magistrate judges, this Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate.” *Id.*

Upon review of the R&R to grant the Defendants’ motions for summary judgment because Plaintiff’s claims are unexhausted, the Court agrees with the Magistrate Judge’s analysis and conclusions. Under the Prisoner Litigation Reform Act, prisoners must exhaust their available administrative remedies before pursuing relief in federal court. Furthermore, unexhausted claims are to be dismissed without prejudice. *Adams v. Smith*, 166 F. App’x 201, 204 (6th Cir. 2006). Therefore, the dismissal of Plaintiff’s complaint will be without prejudice.

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 60) is ACCEPTED and ADOPTED as the order of the Court.

IT IS HEREBY FURTHER ORDERED that Defendants’ motions for summary judgment (ECF No. 24, 42, 50) are GRANTED and Plaintiff’s complaint is dismissed without prejudice.

IT IS HEREBY FURTHER ORDERED that Plaintiff's motion to dismiss (ECF No. 61) is DENIED as moot.

Dated: March 13, 2024

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 13, 2024, by electronic and/or ordinary mail and also on Maurice Lamont Vinson-Jackson #482532, Brooks Correctional Facility, 2400 S. Sheridan, Muskegon, MI 49442.

s/Lashawn Saulsberry  
Deputy Clerk